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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,463	09/10/2001	Shinichi Hashimoto	Y-187	4130
7590	02/07/2005		EXAMINER	
Dellett & Walters Suite 1101 310 SW Fourth Avenue Portland, OR 97204			CONNOLLY, MARK A	
			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/936,463	HASHIMOTO, SHINICHI	
	Examiner	Art Unit	
	Mark Connolly	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10 and 16 is/are allowed.
- 6) Claim(s) 8,9,11,12,14,15,17,18 and 20-22 is/are rejected.
- 7) Claim(s) 13 and 19 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6 Dec. 2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 8-22 have been presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 20-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program is merely a set of instructions capable of being executed by a computer. The computer program itself is not a process and is nonstatutory functional descriptive material without the computer readable medium needed to realize the computer program's functionality.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-9, 11-12, 14-15, 17-18 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mustafa et al [Mustafa] US Pat No 6678831 in view of Chou et al [Chou] US Pat No 5832283.

6. Referring to claim 8, Mustafa teaches the invention substantially including:

- a. switching the computer system from a normal operation mode to a first power saving mode [300, 310 and 320 in fig. 3].

- b. switching the computer system from a normal operation mode to a second power saving mode, said second power saving operation mode differing in power saving effect from the first power saving operation mode [300, 310 and 320 in fig. 3].

Although Mustafa teaches switching to a first and second power mode, it is not taught that the switch to the first and second power mode is determined by whether or not any timer-expiration-waiting events are scheduled to execute. Chou explicitly teaches entering a standby mode when timer-expiration-waiting events are scheduled to execute. It would have been obvious to include the teachings of Chou into the Mustafa system because it would provide a means for Mustafa to enter a power saving mode while still allowing the system to respond to timer-expiration-waiting events.

The Mustafa-Chou system, when idle and ready to enter a power saving operation mode, attempts to first enter a suspend state [see fig. 3 in Mustafa]. Mustafa and Chou further teach that the system can “prevent the system from switching to the suspend state if certain conditions exist” [col. 2 lines 12-18 and col. 4 lines 22-24 in Mustafa]. The presence of a timer-expiration-waiting event is interpreted as a condition preventing the Mustafa-Chou system from entering the suspend state since it requires the CPU to be able to receive and respond to the request to execute the timer-expiration-waiting event. Because the Mustafa-Chou system by default attempts to enter a suspend state, it is obvious that if there were no timer-expiration-waiting events waiting to execute which would deny the entrance into the suspend state then the Mustafa-Chou system would enter that suspend state.

7. Referring to claim 9, Mustafa teaches entering a normal mode in response to a predetermined return condition [fig. 3].

8. Referring to claims 11-12, 14-15, 17-18 and 20-21, these are rejected on the same basis as set forth hereinabove. Mustafa and Chou teach the method and therefore teach the system and program performing the method.

Allowable Subject Matter

9. Claims 13 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 10 and 16 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Connolly
Examiner
Art Unit 2115



THOMAS LEE
PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2100